

**BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD N.  
LOWER LEVEL CONFERENCE ROOM  
ST. PAUL, MINNESOTA 55155  
WEDNESDAY, SEPTEMBER 23, 2015**

**BOARD MEMBERS PRESENT:**

Patty Acomb, Joe Collins, Jill Crafton, Chris Elvrum, MDH; Doug Erickson, Rebecca Flood, MPCA; Sandy Hooker, Kathryn Kelly, Tom Loveall, Brian Napstad, Neil Peterson, Tom Schulz, Faye Sleeper, MES; Sarah Strommen, DNR; Steve Sunderland, Gene Tiedemann, Gerald Van Amburg, Paige Winebarger

**BOARD MEMBERS ABSENT:**

Jack Ditmore  
Rob Sip, MDA  
Tom Loveall

**STAFF PRESENT:**

Mary Jo Anderson, Angie Becker Kudelka, Steve Christopher, Tim Dyskal, Dan Fabian, Travis Germundson, Jim Haertel, Ryan Hughes, John Jaschke, Al Kean, Tim Koehler, Ed Lenz, Melissa Lewis, Jennifer Mocol-Johnson, Jeff Nielsen, Barbara Radke, Dan Steward

**OTHERS PRESENT:**

LeAnn Buck, MASWCD  
Patrick Dean, citizen from Valley Branch WD  
Brenda Jo Carlson, citizen from Valley Branch WD  
Jason Garms , Greg Hoch and Kevin Lines, DNR  
Helen McLennan, Morrison SWCD

**Chair Napstad called the meeting to order at 9:02 a.m.**

## **PLEDGE OF ALLEGIANCE**

**\*\*** **ADOPTION OF AGENDA** – Chair Napstad stated that the New Business items are in reverse order.  
**15-64** Moved by Kathryn Kelly, seconded by Sandy Hooker, to adopt the agenda as amended. ***Motion passed on a voice vote.***

**\*\*** **MINUTES OF AUGUST 27, 2015 BOARD MEETING** – A correction was noted on page six regarding  
**15-65** Reallocation of FY2013 Targeted Drainage Water Management Grant Funds. It should state “WDs” returning the funds are in the Red River Basin. Moved by Tom Schulz, seconded by Doug Erickson, to approve the minutes of August 27, 2015 as corrected. ***Motion passed on a voice vote.***

## **PUBLIC ACCESS FORUM (10-minute agenda time, two-minute limit/person)**

- Patrick Dean, a citizen from the Valley Branch Watershed District (VBWD), expressed concern for the VBWD Revised Watershed Management Plan, requesting the ten-year plan be amended to use best practices for flood control upstream. Mr. Dean distributed a map showing lake levels of Lake Demontreville and Olson Lake; concern for restricted use of the lake due to the water levels.
- Brenda Jo Carlson, representing Lake Demontreville Lakes Association, expressed concerned with the VBWD Revised Watershed Management Plan. Ms. Carlson stated the need for an accurate, consistent, and transparent monitoring system for use by the good stewards on Lake Demontreville.

Chair Napstad thanked Patrick Dean and Brenda Jo Carlson for their informative comments.

## **INTRODUCTION OF NEW BOARD MEMBER**

Chair Napstad introduced and welcomed Patty Acomb, newly appointed board member representing Minnetonka City Council, a metro city elected official. Ms. Acomb provided information on her past experiences.

## **REPORTS**

**Administrative Advisory Committee (AAC)** – Chair Napstad reported that the AAC did not meet this month.

**Chair’s Report** – Brian Napstad reported that he attended the EQB meeting last week; discussion included the 2015 State Water Policy Report; EQB approved the Report, which will be submitted to the Legislature. Chair Napstad stated that the Report is on the EQB website for public information, additional copies will be printed and distributed. Paige Winebarger asked that the Report be considered for presentation at a future Board meeting. Jill asked about EQB having another Environmental Congress. John stated that he will contact EQB’s Executive Director Will Seuffert to request a presentation of the Water Policy Report at a future meeting. Chair Napstad stated that all EQB meetings are now webcast.

Chair Napstad attended the AMC Policy Committee meetings last week. John Jaschke and Dave Weirens represented BWSR at the meeting; and Sarah Strommen, DNR; also presented. John and Sarah presented information on buffers. Sarah stated that DNR is working on the mapping aspects of the buffers initiative including procedures, timelines, process for review; phased approach for review and

comments and a collaborative effort on drainage systems. John stated that BWSR is working with DNR on the mapping aspects of the buffer initiative, assisting with creation of procedures.

Chair Napstad reported that the Department of Commerce presented information to the EQB on solar power, an emerging issue for local governments is solar ordinances.

Chair Napstad reported that he is a member of the Mississippi River Headwaters Board which is applying for LSOHC funds; BWSR would be a partner when managing easements. John Jaschke stated that BWSR has easement acquisition authority that is used for several RIM sub-programs.

**Audit & Oversight Committee** – Brian Napstad reported that the Audit & Oversight Committee will meet today immediately following adjournment of the Board meeting.

**Executive Director's Report** – John Jaschke reported that legislative work has become year-round. LCCMR hearings on proposals were held last week; LSOHC is holding hearings on allocation recommendations; a legislative bonding tour last week. John attended AMC Committee meetings last week. He will attend the MACPZA meeting on Friday. John attended the Red River Basin Commission meeting; DNR has environmental review on the Fargo diversion and related flood control issues. John attended the Governor's release of the Pheasant Plan, which is on the agenda later today.

John reported that additional staffing and organizational updates will be announced later this week. BWSR and U.S. Army Corps of Engineers have an interagency agreement for three staff; also a contract with DNR on HR work.

**Dispute Resolution Committee** – Travis Germundson provided a brief overview of the appeals filed with BWSR. There are ten WCA appeals pending. #14-9 has a hearing scheduled for October 28; contact Travis with questions; due to open meeting law, use Travis as a resource rather than converse with board members regarding comments. The Board's attorney will be available at the hearing for counsel. Travis will send out the final brief to committee members when available.

**Grants Program & Policy Committee** – Steve Sunderland reported that the Grants Program & Policy Committee met yesterday, items discussed: 1) Non-competitive grant for Rice Creek WD; and 2) \$22M appropriation for SWCD/TSA grants. Steve reported that MASWCD attended the Committee meeting; eLink chosen as reporting process; BWSR staff will review. The Committee directed BWSR staff to move forward on a development plan for funding requests ; both recommendations will be presented to the Board next month. Jill Crafton stated that she appreciated the methodology used for water reuse.

**Water Management & Strategic Planning Committee** – Chair Napstad reported that the Water Management & Strategic Planning Committee met last night; Jack Ditmore did not attend the meeting. Chair Napstad reported that agenda items discussed included: One Watershed, One Plan; staff directed to move forward on grants policy, request for proposal, transition plan, and extension policy. John Jaschke stated that there is a memo from Melissa Lewis to board members in today's information packet.

**Buffers, Soils & Drainage Committee** – Chair Napstad reported that the new Buffers, Soils & Drainage Committee has not yet met.

**Drainage Work Group** – Al Kean reported that the Drainage Work Group (DWG) met on September 10. Al provided an overview of the meeting. The next DWG meeting is October 8. Chair Napstad stated that DWG should address the ditch system abandonment on con-con lands. John Jaschke stated that information will be available at the October Board meeting.

#### **INTRODUCTION OF NEW EMPLOYEES**

John Jaschke introduced Ryan Hughes, Northern Region Manager, in Duluth (replacing Ron Shelito); Chair congratulated Ryan on the promotion! Jeff Nielsen introduced Ed Lenz, Board Conservationist, in Marshall; and Jennifer Mocol-Johnson, Board Conservationist in Mankato. Angie Becker Kudelka introduced Barbara Radke, Training Coordinator, in Mankato. Chair Napstad welcomed Ed, Jennifer, and Barbara!

Chair Napstad called for a break in the meeting at 10:33 AM. The meeting reconvened at 10:47 AM.

#### **COMMITTEE RECOMMENDATIONS**

##### ***Central Region Committee***

**Elm Creek Watershed Management Commission Revised Watershed Management Plan** – Steve Christopher reported that the Elm Creek Watershed Management Commission was formed in 1973 and adopted their first Watershed Management Plan in 1983. The plan builds upon past success through the incorporation of the current WRAPS study as well as an enhanced Capital Improvement Plan. The Metro Region Committee met earlier this month to discuss the plan and recommends approval of the Elm Creek Watershed Management Commission Revised Watershed Management Plan. Moved by Joe Collins, seconded by Jill Crafton, to approve the Elm Creek Watershed Management Commission Revised Watershed Management Plan. ***Motion passed on a voice vote.***

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15-66

##### **Middle St. Croix Watershed Management Organization Revised Watershed Management Plan** –

Dan Fabian reported that the Middle St. Croix Watershed Management Organization (MSCWMO) was established by a joint powers agreement in 1984 between the following ten member communities: Afton, Bayport, Baytown Township, Lakeland, Lakeland Shores, Lake St. Croix Beach, Oak Park Heights, St. Mary's Point, Stillwater, and West Lakeland Township. The first Watershed Management Plan was approved by the Board in 1987 in accordance with the Metropolitan Surface Water Management Act of 1982. The revised plan builds upon the successful implementation of the previous plan with a new implementation program designed to meet the MSCWMO's established goals. In addition to the identification of the actions that the MSCWMO will take, the plan requires specific actions by member communities. The Metro Region Committee met September 3, 2015, to discuss the plan and recommends approval of the Middle St. Croix Watershed Management Organization Revised Watershed Management Plan. Moved by Joe Collins, seconded by Faye Sleeper, to approve the Middle St. Croix Watershed Management Organization Revised Watershed Management Plan. ***Motion passed on a voice vote.***

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15-67

**Valley Branch Watershed District Revised Watershed Management Plan** – Dan Fabian reported that the Valley Branch Watershed District (VBWD) was established on November 14, 1968 to address existing flooding problems and prevent future flooding problems in the watershed. This plan will be the fifth VBWD Plan approved by the Board or its predecessor under the Watershed Act, Minnesota Statutes Chapter 103D and the fourth since passage of the 1982 Metropolitan Surface Water Management Act, Minnesota Statutes Chapter 103B. The VBWD covers approximately 70 square miles and lies primarily within Washington County, but includes approximately one square mile in Ramsey County. The VBWD 2015-2025 Watershed Management Plan (Plan) documents the Managers' guidelines and proposed

tasks for managing the water resources within the boundaries of the VBWD to achieve their vision. Dan commented on Mr. Dean's comments regarding flood control issues; the VBWD addressed the issues and concerns working with DNR. The Metro Region Committee met earlier this month to discuss the Plan and recommends approval of the Valley Branch Watershed District Revised Watershed Management Plan.

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15-68 Moved by Joe Collins, seconded by Kathryn Kelly; to approve the Valley Branch Watershed District Revised Watershed Management Plan. Joe Collins stated that this is not a public hearing, the Metro Region Committee's recommendation stands, the VBWD can adopt projects and rules, changes to the Plan can be amended, there are local ordinances; however, the City of Lake Elmo needs to address the flooding issues. Gerald VanAmburg stated that watershed districts need to look at mitigating the effects of climate change as they manage plans. Discussion followed. John Jaschke stated that the U of M Climatology Department can be contacted for a future presentation to the Board. Faye Sleeper stated that the U of M Climatology Conference will be held in January; she will provide information to board members. **Motion passed on a voice vote.**

#### **Northern Region Committee**

**Thirty Lakes Watershed District Revised Overall Plan** – Dan Steward reported that the final draft of the Thirty Lakes Watershed District (TLWD) Revised Overall Plan was filed with the Board on September 9, 2015. The District revised their original draft Plan (dated December 27, 2014) to address comments raised by the Department of Natural Resources and BWSR staff. The Northern Region Committee met on September 2, 2015 to review the Revised Plan and recommends approval contingent upon the TLWD incorporating an additional action item in the Plan. The District's activity associated with projects and programs has declined, the Committee recommends that the District conduct an evaluation of the purpose and need for the District, addressing both original purposes and current needs. The District has since incorporated the Committee's recommendation in the latest version of the Plan. Dan reported that the Committee recommends approval of the Thirty Lakes Watershed District Revised Overall Plan.

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15-69 Moved by Tom Schulz, seconded by Neil Peterson, to approve the Thirty Lakes Watershed District Revised Overall Plan. Rebecca Flood stated that MPCA did not comment on the Plan; she requested that Dan contact MPCA to provide comment and feedback on the evaluation. Discussion followed. **Motion passed on a voice vote.**

**Morrison County Local Water Management Plan Extension** – Dan Steward introduced Helen McLennan, Morrison SWCD District Manager. Dan reported that Morrison County submitted a resolution requesting a two year extension of their County water plan on August 6, 2015. The Morrison County Local Water Management Plan expires on May 26, 2020, with the Goals, Objectives and Actions due to be updated by May 26, 2015. The extension is needed to facilitate Morrison County's interests in synchronizing water management efforts with the Morrison County Comprehensive Land Use Plan Update and water management planning across the eight county Mississippi Headwaters Region. The Northern Region Committee recommends approval of the Morrison County extension request. Helen stated that Morrison County has a broad task force and good collaboration to work on water planning.

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15-70 The extension request is needed due to few staff with an overwhelming workload. Moved by Tom Schulz, seconded by Sandy Hooker, to approve the Morrison County Local Water Management Plan extension. **Motion passed on a voice vote.** Chair Napstad thanked Helen for her attendance today.

**Technical Training and Certification Strategy** – Angie Becker Kudelka introduced LeAnn Buck, MASWCD Executive Director. LeAnn commented on the good working collaboration and partnership endorsing the Minnesota Model for technical training. The Technical Training Team: BWSR, MASWCD, TSA, SWCD,

NRCS. Angie explained the purpose of the Technical Training and Certification Strategy is to provide a framework for the development of technical skills (engineering and ecological practices) for local conservation professionals in Minnesota; Job Approval Authority (JAA) training component. LeAnn explained the next steps are to establish a state tech training committee; hire a state tech training coordinator; begin core competency trainings/offerings. Angie stated that the immediate step is to have each organization sign the strategy document as a commitment to collaborate on the implementation of the strategy. LeAnn stated the signing commitment event will be held at the MASWCD convention. LeAnn thanked BWSR for the leadership on this effort. Chair Napstad thanked LeAnn for MASWCD's partnership.

## **NEW BUSINESS**

**Pheasant Summit Action Plan** – Sarah Strommen, on behalf of Commissioner Landwehr, stated that citizen participation and public comment from the Pheasant Summit held December 2014, resulted in Governor Dayton's release of the four-year Pheasant Summit Action Plan on September 14. Kevin Lines, DNR Pheasant Action Plan Coordinator; and Greg Hoch, DNR Prairie Habitat Team Supervisor; were introduced and presented the 2015 MN Pheasant Summit Action Plan. Kevin stated that Governor Mark Dayton injected new energy into pheasant conservation efforts when he convened a Pheasant Summit in December 2014 in Marshall, MN. His challenge was clear, to develop an action plan that would restore Minnesota's pheasant populations and restore its hunting tradition. The Pheasant Summit Action Plan is a major step forward, turning goals identified from the Summit attendees into action. Greg presented 10 steps to improve hunting and habitat. Greg stated that DNR and partners are developing an annual Report Card of the action steps to keep track of successes and determine where more efforts are needed.

Kevin reported that the Legislature passed the buffer initiative establishing vegetation buffers along rivers, streams and ditches. DNR received a \$1.67M grant for the Walk in Access (WIA) program from NRCS. Conservation partners submitted 15 proposals to LSOHC totaling \$156M. Kevin stated that private landowners are the focus and a key component of the Pheasant Summit Action Plan. Discussion followed. Paige Winebarger commended staff on the concise report. Chair Napstad thanked Kevin and Greg for the informative presentation.

## **AGENCY REPORTS**

**Minnesota Department of Health (MDH)** – Chris Elvrum stated that MDH is proud that incoming president recognized drinking water and health equity in the State.

**Minnesota Department of Natural Resources (DNR)** – Sarah provided a brief overview of the recent agreement between DNR and R.D. Offutt Company (RDO), a North Dakota agriculture company that voluntarily reduced the number of new water appropriation permit applications on file with DNR to five groundwater permits for new irrigated crop production. DNR ordered an EAW and a special two phase study will be conducted in collaboration with MDA, MDH, and MPCA, to focus on impacts; a positive outcome for a difficult situation. Chris Elvrum appreciated the opportunity to work with DNR on this effort.

**Minnesota Extension Service (MES)** – Faye Sleeper thanked BWSR and MPCA for planning the Iowa legislator group in Minnesota this week; Doug Thomas attended and worked with them. Faye announced the Water Resources Conference, October 13-14, 2015 at the River Centre in St. Paul.

**Minnesota Pollution Control Agency (MPCA)** – Rebecca Flood reported that the river unification ruling endorsed proper adoption standards to be determined now by the Supreme Court. Rebecca stated that the Senate and House Capital Investment Committees are reviewing restoration construction of the St. Louis River impairments. Rebecca stated that MPCA is working with MDH regarding implementation on water quality standards and infrastructure.

#### **ADVISORY COMMENTS**

**Minnesota Association of Soil & Water Conservation Districts (MASWCD)** – LeAnn Buck distributed the ‘MASWCD Report Area Meetings: Fall, 2015’ and provided a brief overview. LeAnn thanked DNR for providing Groundwater Workshops for SWCD; and thanked BWSR for their support of MASWCD.

**Minnesota Association of Townships (MAT)** – Sandy Hooker announced MAT’s 2015 Annual Conference, November 19-21, at the Arrowwood Resort in Alexandria.

#### **UPCOMING MEETINGS**

- BWSR Academy, October 27-29, 2015, Breezy Point, Pequot Lakes
- Next BWSR Board Meeting, October 28, 2015, St. Paul
- Buffers, Soils & Drainage Committee Meeting, October 27, 6:00 PM, St. Paul

\*\* Moved by Paige Winebarger, seconded by Steve Sunderland, to adjourn the meeting at 12:41 PM.  
15-71 ***Motion passed on a voice vote.***

Respectfully submitted,



Brian Napstad  
Chair